

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES B. PORTER,

Plaintiff,

No. 11-01763-EDL

v.

**ORDER CONSTRUING DOCUMENT AS
MOTION TO DISMISS**

GREGORY ENT, et al.

Defendants.
_____ /


On April 11, 2011, pro se Plaintiff filed a complaint for “fraud” and “civil rights violations.” The Court granted Plaintiff’s request to proceed in forma pauperis and Plaintiff consented to this Court’s jurisdiction. On June 16, 2011, pro se Defendant Gregory Ent filed a responsive document. His document is labeled an “Answer,” but the body of the document does not answer the allegations of the complaint. Instead, Mr. Ent argues that “there has to be a statute of limitations that do not allow this filing” because the allegations date back 12 to 27 years and that the complaint was filed for purposes of harassment, and requests that the case be dismissed.

Though the documents is styled as an “Answer,” the Court liberally construes it as a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). See Balistreri v. Pacifica Police Dept., 901 F.2d 696, 699 (9th Cir. 1990) (“This court recognizes that it has a duty to ensure that pro se litigants do not lose their right to a hearing on the merits of their claim due to ignorance of technical procedural requirements.”). Any opposition to the motion to dismiss shall be filed and served in compliance with Local Rule 7-3 by no later than July 5, and any reply shall be filed and

1 served in compliance with Local Rule 7-4 by no later than July 12. Following receipt of the parties'
2 briefing, the Court will set a hearing if and only if it believes that oral argument would be helpful to
3 its resolution of the motion to dismiss.

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5 IT IS SO ORDERED.

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7 Date: June 20, 2011


ELIZABETH D. LAPORTE
United States Magistrate Judge